

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MOISES MENDEZ,

Plaintiff,

v.

STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.

Defendant.
-----X

No. 08 Civ. 4967 (CM)

PLAINTIFF'S NOTICE OF ELECTION

PLEASE TAKE NOTICE THAT, pursuant to the Decision and Order of this Court dated September 29, 2010, Plaintiff Moises Mendez, by and through his undersigned counsel, hereby respectfully elects a new trial on the issue of retaliation.¹

Dated: October 13, 2010
New York, New York

Respectfully submitted,

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COUNSEL FOR PLAINTIFF MOISES MENDEZ

¹ Although Plaintiff's understanding is that the "new trial on the issue of retaliation" as contemplated by the Decision and Order will be limited to a retrial on the issue of damages for the retaliation claim on which the jury found Defendant liable, please note that to the extent that Plaintiff has misconstrued the Court's intent for the new trial to address both damages and liability, Plaintiff hereby respectfully elects a new trial on the issue of liability as well.